

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

NOVARTIS PHARMACEUTICALS  
CORPORATION,

*Plaintiff,*

v.

PATRICK MORRISEY, in his official capacity  
as ATTORNEY GENERAL OF THE STATE  
OF WEST VIRGINIA,

ALLAN L. MCVEY, in his official capacity as  
INSURANCE COMMISSIONER OF  
WEST VIRGINIA,

and

JOHN BERNABEI, in his official capacity  
as BOARD PRESIDENT OF THE WEST  
VIRGINIA BOARD OF PHARMACY, and  
JAMES RUCKER, JENNA MISITI, SAM  
KAPOURALES, DAVID G. BOWYER,  
DENNIS LEWIS, and ROBERT DUNCAN,  
in their official capacities as MEMBERS OF  
THE WEST VIRGINIA BOARD OF  
PHARMACY,

*Defendants.*

Civil Action No. 2:24-cv-00272

**JOINT MOTION FOR EXTENSION OF TIME FOR PLAINTIFF  
TO RESPOND TO DEFENDANTS' MOTION TO CONSOLIDATE**

Plaintiff Novartis Pharmaceuticals Corporation (“Novartis”) and Defendants Patrick Morrissey, Allan McVey, John Bernabei, James Rucker, Jenna Misiti, Sam Kapourales, David G. Bowyer, Dennis Lewis, and Robert Duncan, in their respective official capacities (collectively, “Defendants”), by and through undersigned counsel, jointly move the Court to enter an order

providing Novartis with a 14-day extension of time to respond to Defendants' Motion to Consolidate. *See* ECF No 58. In support of this Joint Motion, the parties state as follows:

1. On November 5, 2024, Defendants filed a Motion to Consolidate the above-styled action with *Pharmaceutical Research and Manufacturers of America v. Morrissey et al.* (Civil Action No. 2:24-cv-271); *AstraZeneca Pharmaceuticals LP v. McVey, et al.* (Civil Action No. 2:24-cv-290); and *AbbVie, Inc. et al. v. Morrissey, et al.* (Civil Action No. 2:24-cv-298).

2. On November 22, 2024, this Court entered an order suspending the briefing schedule on Defendants' Motion to Consolidate until after the Court had occasion to rule on Novartis's Motion for Preliminary Injunction. *See* ECF No. 61. Therein, the Court ordered "that [Novartis's] response to [Defendants'] motion to consolidate . . . shall be due fourteen days following the Court's ruling to the motion for a preliminary injunction." *Id.* at 1.

3. On December 17, 2024, this Court entered an order granting Novartis's Motion for Preliminary Injunction. *See* ECF No. 65. According to this Court's Order of November 22, 2024, Novartis has until December 31, 2024, to respond to Defendants' Motion to Consolidate.

4. In light of Novartis's response deadline falling on New Year's Eve, and to otherwise facilitate the orderly litigation of this case, the Parties **AGREE** and **STIPULATE** that Novartis should be afforded additional time to respond to Defendants' Motion to Consolidate.

5. Accordingly, the Parties ask the Court to enter an order extending Novartis's deadline to respond to Defendants' Motion to Consolidate until January 14, 2025.

6. Furthermore, this 14-day extension for Novartis to respond to Defendants' Motion to Consolidate will not prejudice any party to this action.

Respectfully submitted,

/s/ Blake N. Humphrey

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